

Thursday, March 13, 2008

| House Meets At... | Votes Predicted At... |
|-------------------------------------|-----------------------|
| 10:30 a.m. For Legislative Business | Last Vote: Evening |
| Ten "One-minutes" Per Side | |

Any anticipated Member absences for votes this week should be reported to the Office of the Majority Whip at 226-3210.

Floor Schedule and Procedure

- **H. Con. Res. 312 – Concurrent Resolution on the Budget for FY 2009 (Rep. Spratt-Budget):** Pursuant to the rule, debate on the bill will be managed by Budget Committee Chair Rep. John Spratt, or his designee, for three hours and Rep. Carolyn Maloney, or her designee, for one hour, and will proceed as follows:
 - Debate and votes on amendments to the resolution:
 - Kilpatrick/Scott (VA) Amendment (1 hour)
 - Lee Amendment (1 hour)
 - Ryan (WI) Amendment (1 hour)
 - Vote on adoption of the resolution. **Members are urged to vote Yes on adoption of the resolution.**
- **H. Res. 1041–Rule providing for consideration of the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Rep. Arcuri-Rules):** The rule Provides for consideration of the Senate amendment to H.R. 3773. The rule makes in order a motion by the chairman of the Committee on the Judiciary to concur in the Senate amendment with the amendment printed in the report of the Rules Committee accompanying the resolution. The rule provides one hour of debate on the motion, with 40 minutes equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary and 20 minutes equally divided and controlled by the chairman and ranking minority member of the Permanent Select Committee on Intelligence. Debate on the rule will be managed by Rep. Arcuri, and consideration will proceed as follows:
 - One hour of debate on the rule.
 - Possible vote on a Democratic Motion ordering the previous question. **Democrats are urged to vote yes.**
 - Vote on adoption of the rule. **Democrats are urged to vote yes.**

- **House amendment to the Senate amendment to the bill (H.R. 3773) to amend the Foreign Intelligence Surveillance Act of 1978 to establish a procedure for authorizing certain acquisitions of foreign intelligence, and for other purposes (Reps. Conyers/Reyes-Judiciary/Intelligence):** Pursuant to the rule, one hour of debate on the measure will be managed by Judiciary Committee Chair Rep. John Conyers, or his designee, for forty minutes, and Intelligence Committee Chair Rep. Silvestre Reyes, or his designee, for twenty minutes, and will proceed as follows:
 - One hour of debate of the House amendment to the Senate amendment.
 - Vote on adoption of the amendment.
- **Postponed Suspension Votes: At some point today, the House will take votes on the following Suspension bills, which were debated on Tuesday:**
 - 1) **H.Res. 991** - Recognizing the exceptional sacrifice of the 69th Infantry Regiment, known as the Fighting 69th, in support of the Global War on Terror (Rep. Israel – Armed Services)

Bill Summary and Key Issues

H.CON. RES. 312 – CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

A FISCALLY RESPONSIBLE BUDGET THAT FUNDS CRITICAL PRIORITIES **Fiscal Responsibility**

The budget is fiscally responsible, returning to balance in 2012. The budget resolution complies with the House pay-as-you-go rule that requires all mandatory spending and revenue provisions to be deficit-neutral. The budget resolution also provides reconciliation protection for a repair of the Alternative Minimum Tax that is fully paid for. The budget contains initiatives to crack down on wasteful spending, and its deficit-neutral reserve funds will ensure that new initiatives are offset by reductions in lower priority spending. The budget relies on realistic economic assumptions from the non-partisan Congressional Budget Office.

Rejecting the President's Harmful Cuts

The budget rejects the President's deep cuts affecting a wide range of services and constituencies, including the following:

- \$479 billion of Medicare cuts and \$94 billion in cuts to Medicaid over ten years;
- more than \$18 billion over five years in new fees for veterans and military retirees;
- a six percent cut to the Centers for Disease Control and Prevention, as well as a 16 percent cut to the Health Resources and Services Administration (HRSA), which provides health care access to underserved populations;
- the elimination of several state and local law enforcement programs, including the State Criminal Alien Assistance Program, Byrne Grants, and COPS; and

- cutting the Environmental Protection Agency, in large part through cuts to grants that help protect public health and maintain environmental quality;
- a cut to the Low-Income Home Energy Assistance Program (LIHEAP), despite record-high energy costs;
- a \$500 million cut to the Social Services Block Grant (SSBG) and a significant cut to the Community Development Block Grant (CDBG);
- cuts to surface transportation levels below the authorized levels and a cut to Amtrak;
- cuts to numerous other important services, including rural development programs.

Rebuilding America's Future

This budget is another down payment to fulfill commitments we have made to the American people. The budget rejects the President's misguided budget, instead investing in proven programs that boost economic growth, create jobs, make America safer, promote fiscally responsible tax relief to millions of households, and help families struggling to make ends meet in an economic downturn.

Strengthens the Economy

- **Innovation** — Provides crucial funding for the Democratic innovation agenda and the America COMPETES act to enhance our competitive edge, increasing funding for math and science education and research.
- **Energy** — Increases funding for efficient and renewable energy programs, rejecting the President's cuts to research as well as weatherization assistance for lower-income families, and accommodates legislation to encourage the production of renewable energy alternatives, increased energy efficiency, investments in new energy and vehicle technologies, and training workers for "green collar" jobs.
- **Education** — Provides substantially more than the President for the education budget function, which also includes job training programs.
- **Infrastructure** — Invests in highways, water, and other infrastructure by providing sufficient funding as well as a reserve fund that can facilitate priority new initiatives in a deficit neutral manner.

Provides Tax Relief and Help for Struggling Families

The budget rejects the President's policy of paying for tax cuts by adding to the debt burden of our children and grandchildren, and by imposing unacceptable cuts to programs, such as \$150 billion of Medicare cuts and more than \$18 billion over five years in new fees for veterans and military retirees.

- **Tax Relief** — Accommodates tax relief from the Alternative Minimum Tax for more than 20 million households, as well as middle-income tax cuts and other tax relief, so long as they comply with the pay-as-you-go rule. Tax cuts that could be accommodated include: extension of the child tax credit, marriage penalty relief, extension of the 10 percent individual income bracket, elimination of most estate taxes, extension of the research and experimentation tax credit, extension of the deduction for state and local taxes, and a tax credit for school construction bonds.
- **Children's Health** — Accommodates a \$50 billion increase to expand children's health insurance to cover millions of uninsured children, in accordance with the pay-as-you-go rule.
- **Safety Net** — Strengthens safety net programs by providing needed funding for home heating assistance, the Social Services Block Grant, and housing aid – in contrast to the President's budget, which cuts funding for these programs.

Makes America Safer

- **Defense** — provides funding for national defense while shifting funding to target high priorities including cooperative threat reduction, nuclear nonproliferation efforts, and quality of life issues for the troops and their families.
- **Veterans** — Addresses veterans' needs by rejecting the President's proposed new fees and increasing health care funding well above the amount needed to maintain current services —enough to allow VA to treat 5.8 million patients in 2009, including 333,275 Iraq and Afghanistan war veterans.
- **Homeland Security** — Protects our homeland, rejecting the President's cuts to first responder programs – including Community Oriented Policing Services (COPS) and firefighter assistance grants – and providing more funding than the President's budget for the four budget functions that contain the bulk of non-DOD homeland security funding.

ANTICIPATED AMENDMENTS TO H.CON. RES. 312 – CONCURRENT RESOLUTION ON THE BUDGET FOR FISCAL YEAR 2009

Kilpatrick (MI)/Scott, Robert (VA): Amendment in the Nature of a Substitute. The substitute amendment, submitted on behalf of the Congressional Black Caucus, seeks an alternative budget that balances the budget in FY 2012. The CBC budget funds programs and services in the areas of health care, education, veterans benefits and services for low-income families. It also provides for additional services for the administration of justice and funds the recommendations of the House Committee on Homeland Security. **(1 hour)**

Lee (CA): Amendment in the Nature of a Substitute. The substitute amendment from the Congressional Progressive Caucus provides at least \$551.7 billion for domestic, non-military discretionary spending in FY09; provides a \$118.9 billion economic stimulus package; extends unemployment insurance, food stamp benefits, and Medicaid payments to states; and, spends \$468.3 billion on defense. The Progressive Caucus budget balances by FY12 and rebalances again in FY18, upon completion of our Reinvest and Rebuild America Initiative. **(1 hour)**

Ryan, Paul (WI): Amendment in the Nature of a Substitute. (1 hour)
Vote NO on Republican Substitute 2009 Budget

Not a Budget Plan; Not Fiscally Responsible — The Minority substitute budget has larger deficits than the Democratic budget over 5 years and reaches balance in 2012 only by making unrealistically deep cuts in domestic programs. In fact, the cuts required are so devastating that the substitute has hidden them, including all required reductions as a single “plug” in the Allowances function. Thus, the substitute budget provides no real blueprint to reflect priorities.

Violates Pay-As-You-Go Rule and Uses Reconciliation to Increase Deficits — The Minority substitute violates basic tenets of the House's fiscal responsibility rules passed in the first 100 hours: it includes calls for revenue and mandatory spending proposals that together increase the deficit by \$739 billion and then reconciles them. House rules do not allow reconciliation bills to worsen the deficit.

Requires Drastic Cuts in Many Vital Programs — The Minority budget requires savings of \$412 billion over 5 years in mandatory programs across 11 committees. This is almost three times deeper than the cuts proposed by the President, who called for \$143 billion in mandatory reductions over the same period.

- ***Ways and Means Cut Would Harm Medicare and Safety-Net Programs*** — The Minority substitute goes even further than the President's deep cuts, requiring reconciled cuts of \$253 billion over five years from the Ways and Means Committee. The largest spending program under Ways and Means jurisdiction – other than Social Security, which is exempt from reconciliation – is Medicare. The Medicare cuts in the President's budget amounted to \$150 billion over five years. The reconciled cuts in the Minority substitute would require drastic cuts in Medicare and the safety-net programs, such as child care or Supplemental Security Income for low-income aged and disabled individuals. To put the minority budget's \$253 billion of Ways and Means cuts in perspective, the reconciled amount is about 3.5 times the amount of savings that could be achieved by completely eliminating critical programs like trade adjustment assistance, child support enforcement, foster care for abused children, and child care assistance.
- ***Energy and Commerce Savings Would Lead to Harmful Cuts to Medicaid*** — The Republican budget requires the Energy and Commerce Committee to report legislation cutting \$116 billion over five years. This could fall mostly or entirely on Medicaid and would be far more than even the President's harmful cuts to that program of \$19 billion. Cutting Medicaid will jeopardize health care for over 50 million children, parents, seniors, and disabled individuals who rely on the program for their health care.
- ***Education And Labor Cut Could Eliminate Pell Grant Increases*** — The Minority substitute requires the Education and Labor Committee to reduce its spending by almost \$16 billion over five years – almost exactly the amount Congress approved in last year's College Cost Reduction and Access Act to raise the maximum Pell Grant to \$5,400, to make new investments in Historically Black Colleges and Universities and Hispanic-serving Institutions, and to provide TEACH grants to students who agree to teach in high-poverty schools. Nearly the only other options available to the Committee would be to cut spending on school breakfasts and lunches, or to raise the interest rate college students pay on student loans.
- ***Armed Services Reduction Could Reduce Funding for Military Retirement or Health Care*** — Nearly all the mandatory spending controlled by Armed Services is for military retirement or health care, and so a cut of \$1.3 billion would be expected to fall on these programs.
- ***Important Components of the Farm Bill Would Face Critical Reductions*** — The Minority budget calls for \$9.3 billion in cuts that would need to come from food stamps, commodity support programs, or crop insurance programs. Either farmers would face loss in income or pay higher fees to participate, or more low-income families would go hungry.
- ***Cuts in Other Committees Would Likely Come From Increased Fees as Well as Program Reductions*** — Many of the other committees instructed to produce savings have limited programs within their

jurisdictions. To achieve savings it is likely that there would be increases in a variety of fees, with no benefits in improved program operations.

False Promises on Veterans Programs — Although the Minority budget claims to include \$1 billion more than the Democratic budget for veterans, the large unallocated spending cuts in the Allowances function mean that it would be nearly impossible for the Appropriations Committee to provide this level of funding. The veterans funding level in the Democratic budget has received the public support of numerous veterans groups.

Unrealistic Reductions in Discretionary Spending – Although the Minority budget does not provide a split between mandatory and discretionary proposals, the total amount of reductions in the Allowances function implies very deep cuts in discretionary programs. In fact, the budget appears to provide less than the already grossly underfunded request in the President's budget. Reductions of this magnitude would devastate vital public health, education, safety net, and infrastructure programs.

FISA AMENDMENTS ACT

The revised House legislation to amend FISA grants new authorities for conducting electronic surveillance against foreign targets while preserving the requirement that the government obtain an individualized FISA court order, based on probable cause, when targeting Americans at home or abroad. The House bill also strongly enhances oversight of the Administration's surveillance activities. Finally, the House bill does not provide retroactive immunity for telecom companies but allows the courts to determine whether lawsuits should proceed.

Title 1: Surveillance Authorities

- Provides for surveillance of terrorist and other targets overseas who may be communicating with Americans.
- Requires the FISA court to approve *targeting and minimization procedures* – to ensure that Americans are not targeted and that their inadvertently intercepted communications are not disseminated. These procedures must be approved prior to surveillance beginning – except in an emergency, in which case the government may begin surveillance **immediately**, and the procedures must be approved by the court within 30 days. (This may be extended if the court determines it needs more time to decide the matter).
- Provides prospective liability protection for telecommunications companies that provide lawful assistance to the government.
- Requires a court order based on probable cause to conduct surveillance targeted at Americans, whether inside the United States or abroad.
- Requires an Inspector General report on the President's warrantless surveillance program.
- Prohibits "reverse targeting" of Americans.
- Explicitly establishes FISA Exclusivity – that FISA is the exclusive way to conduct foreign intelligence surveillance inside the U.S. Any other means requires an express statutory authorization.
- Sunsets these authorities on December 31, 2009 (same as the PATRIOT Act sunset).

Title 2: Litigation Procedures for Telecommunication Company Liability

- Does not confer retroactive immunity on telecom companies alleged to have assisted in the President's warrantless surveillance program.

- Provides telecom companies a way to present their defenses in secure proceedings in district court without the Administration using “state secrets” to block those defenses.

Title 3: National Commission on Warrantless Surveillance

- Establishes a bipartisan, National Commission – with subpoena power – to investigate and report to the American people on the Administration’s warrantless surveillance activities, and to recommend procedures and protections for the future.

Quote of the Day

“Every man takes care that his neighbor shall not cheat him. But a day comes when he begins to care that he not cheat his neighbor. Then all goes well.”
-Emerson

The Office of the House Majority Whip | H-329 The Capitol |
Washington, DC 20515 | p. (202)226-3210 | f. (202)226-1115